

CONCEPTUAL ZONING ARTICLE ATM-09.5
(Two-thirds vote)

**AMEND ZONING BYLAW
SIZE OF RESIDENTIAL BUILDINGS**

“Mansionization” is the replacement of modest homes with much larger new homes, or the massive expansion of a modest home. Towns closer to Boston have experienced “Mansionization” more heavily than Acton. But there are some instances here as well. The most widely articulated concerns around this trend have to do with changing of neighborhood character and housing affordability. In past years and on several occasions the Planning Board has explored options to address this issue, but none proved satisfactory or practical.

Complicating the regulation of “Mansionization” was a sentence in the Zoning Act (M.G.L. Ch. 40A, S. 3) which states: “No zoning ordinance or by-law shall regulate or restrict the interior area of a single family residential building ...” This had been interpreted by legal minds until recently as including in its meaning that the size of a residential building cannot be restricted or limited. Some towns have devised elaborate schemes of design review and special permits for large homes, which is very time consuming and always controversial. The Acton Planning Board has previously discussed more traditional zoning controls that don’t touch size, such as larger setbacks or standards for the proportions between a residential building and the frontage of the lot that it sits on.

Now, in a legal sea change, the Supreme Judicial Court has ruled that the direct regulation of the size of a residential building through Floor Area Ratio (FAR) limits (caps on the floor space – not foot print – in a residential building divided by the lot area that it sits on) is a legitimate exercise of zoning powers under M.G.L. Ch. 40A. See Westlaw summary of SJC decision in Spooner v. Brookline (SJC, Aug. 4, 2008) in separate document. This would open the way to a much simpler regulatory approach to “Mansionization” until one realizes that Acton has several different neighborhoods and that a one-size-fits-all approach may not do any of them justice.

The closest to a universal approach that could be implemented quickly would be to allow “Mansionization” to a degree, either by allowing FAR increases to a set factor above the existing FAR, or by allowing FAR increases to a set factor above the current neighborhood average FAR – say homes within a set radius, or by using both prongs. The latter would somewhat moderate the inherent inequality of the former but would heavily burden applicant and town staff, and it would program for creeping “Mansionization”. In both approaches, the caps imposed would be arbitrary but that is no different from minimum setbacks and lot sizes when they first were imposed.

A more reasoned but much more time consuming approach would be to evaluate Acton’s different neighborhoods, involve the residents in the neighborhoods, and then try to come up with a measure that is specifically tailored to each neighborhood. The resulting recommendation could be adopted by way of an overlay zoning district.

SUMMARY

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Recommendations:	<u>Board of Selectmen</u> Recommended	<u>Finance Committee</u> Deferred	<u>Planning Board</u> Recommended
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